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The Constitutuion of Japan

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THE CONSTITUTION OF JAPAN

I rejoice that the foundation for the construction of a new Japan has been laid according to the will of the Japanese people, and hereby sanction and promulgate the amendments of the Imperial Japanese Constitution effected following the consultation with the Privy Council and the decision of the Imperial Diet made in accordance with Article 73 of the said Constitution.

Signed: HIROHITO, Seal of the Emperor

This third day of the eleventh month of the twenty-first year of Showa (November 3, 1946)

Countersigned:

Prime Minister and concurrently Minister
for Foreign Affairs

YOSHIDA Shigeru

Minister of State

Baron SHIDEHARA Kijuro

Minister of Justice

KIMURA Tokutaro

Minister for Home Affairs

OMURA Seiichi

Minister of Education

TANAKA Kotaro

Minister of Agriculture and Forestry

WADA Hiroo

Minister of State

SAITO Takao

Minister of Communications

HITOTSUMATSU Sadayoshi

Minister of Commerce and Industry

HOSHIJIMA Niro

Minister of Welfare

KAWAI Yoshinari

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Minister of State

UEHARA Etsujiro

Minister of Transportation

HIRATSUKA Tsunejiro

Minister of Finance

ISHIBASHI Tanzan

Minister of State

KANAMORI Tokujiro

Minister of State

ZEN Keinosuke

THE CONSTITUTION OF JAPAN

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith.

We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.

We believe that no nation is responsible to itself alone, but ✓
that laws of political morality are universal; and that obedience
to such laws is incumbent upon all nations who would sustain
their own sovereignty and justify their sovereign relationship
with other nations.

We, the Japanese people, pledge our national honour to
accomplish these high ideals and purposes with all our resources.

CHAPTER I. THE EMPEROR

Article 1. The Emperor shall be the symbol of the State
and of the unity of the people, deriving his position from the
will of the people with whom resides sovereign power.

Article 2. The Imperial Throne shall be dynastic and
succeeded to in accordance with the Imperial House Law passed
by the Diet.

Article 3. The advice and approval of the Cabinet shall
be required for all acts of the Emperor in matters of state, and
the Cabinet shall be responsible therefor.

Article 4. The Emperor shall perform only such acts in
matters of state as are provided for in this Constitution and
he shall not have powers related to government.

The Emperor may delegate the performance of his acts in
matters of state as may be provided by law.

Article 5. When, in accordance with the Imperial House
Law, a Regency is established, the Regent shall perform his
acts in matters of state in the Emperor's name. In this case,
paragraph one of the preceding article will be applicable.

Article 6. The Emperor shall appoint the Prime Minister
as designated by the Diet.

The Emperor shall appoint the Chief Judge of the Supreme
Court as designated by the Cabinet.

Article 7. The Emperor, with the advice and approval of

the Cabinet, shall perform the following acts in matters of state on behalf of the people:

Promulgation of amendments of the constitution, laws, cabinet orders and treaties.

Convocation of the Diet.

Dissolution of the House of Representatives.

Proclamation of general election of members of the Diet.

Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law, and of full powers and credentials of Ambassadors and Ministers.

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.

Awarding of honors.

Attestation of instruments of ratification and other diplomatic documents as provided for by law.

Receiving foreign ambassadors and ministers.

Performance of ceremonial functions.

Article 8. No property can be given to, or received by, the Imperial House, nor can any gifts be made therefrom, without the authorization of the Diet.

CHAPTER II. RENUNCIATION OF WAR

Article 9. Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

CHAPTER III. RIGHTS AND DUTIES OF THE PEOPLE

Article 10. The conditions necessary for being a Japanese national shall be determined by law.

Article 11. The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

Article 12. The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Article 13. All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

Article 14. All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.

Peers and peerage shall not be recognized.

No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

Article 15. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any group thereof.

Universal adult suffrage is guaranteed with regard to the election of public officials.

In all elections, secrecy of the ballot shall not be violated. A voter shall not be answerable, publicly or privately, for the choice he has made.

Article 16. Every person shall have the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations and for other matters; nor shall any

person be in any way discriminated against for sponsoring such a petition.

Article 17. Every person may sue for redress as provided by law from the State or a public entity, in case he has suffered damage through illegal act of any public official.

Article 18. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article 19. Freedom of thought and conscience shall not be violated.

Article 20. Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice.

The State and its organs shall refrain from religious education or any other religious activity.

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Article 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.

No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Article 22. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

Article 23. Academic freedom is guaranteed.

Article 24. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis.

With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining

to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

Article 25. All people shall have the right to maintain the minimum standards of wholesome and cultured living.

In all spheres of life, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health.

Article 26. All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to have all boys and girls under their protection receive ordinary educations as provided for by law. Such compulsory education shall be free.

Article 27. All people shall have the right and the obligation to work.

Standards for wages, hours, rest and other working conditions shall be fixed by law.

Children shall not be exploited.

Article 28. The right of workers to organize and to bargain and act collectively is guaranteed.

Article 29. The right to own or to hold property is inviolable.

Property rights shall be defined by law, in conformity with the public welfare.

Private property may be taken for public use upon just compensation therefor.

Article 30. The people shall be liable to taxation as provided by law.

Article 31. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

Article 32. No person shall be denied the right of access to the courts.

Article 33. No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies

the offense with which the person is charged, unless he is apprehended, the offense being committed.

Article 34. No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

Article 35. The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued for adequate cause and particularly describing the place to be searched and things to be seized, or except as provided by Article 33.

Each search or seizure shall be made upon separate warrant issued by a competent judicial officer.

Article 36. The infliction of torture by any public officer and cruel punishments are absolutely forbidden.

Article 37. In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.

He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense.

At all times the accused shall have the assistance of competent counsel who shall, if the accused is unable to secure the same by his own efforts, be assigned to his use by the State.

Article 38. No person shall be compelled to testify against himself.

Confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence.

No person shall be convicted or punished in cases where the only proof against him is his own confession.

Article 39. No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he be placed in double jeopardy.

Article 40. Any person, in case he is acquitted after he has

been arrested or detained, may sue the State for redress as provided by law.

CHAPTER IV. THE DIET

Article 41. The Diet shall be the highest organ of state power, and shall be the sole law-making organ of the State.

Article 42. The Diet shall consist of two Houses, namely the House of Representatives and the House of Councillors.

Article 43. Both Houses shall consist of elected members, representative of all the people.

The number of the members of each House shall be fixed by law.

Article 44. The qualifications of members of both Houses and their electors shall be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income.

Article 45. The term of office of members of the House of Representatives shall be four years. However, the term shall be terminated before the full term is up in case the House of Representatives is dissolved.

Article 46. The term of office of members of the House of Councillors shall be six years, and election for half the members shall take place every three years.

Article 47. Electoral districts, method of voting and other matters pertaining to the method of election of members both Houses shall be fixed by law.

Article 48. No person shall be permitted to be a member of both Houses simultaneously.

Article 49. Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with law.

Article 50. Except in cases provided by law, members of both Houses shall be exempt from apprehension while the Diet is in session, and any members apprehended before the opening

of the session shall be freed during the term of the session upon demand of the House.

Article 51. Members of both Houses shall not be held liable outside the House for speeches, debates or votes cast inside the House.

Article 52. An ordinary session of the Diet shall be convoked once per year.

Article 53. The Cabinet may determine to convoke extraordinary sessions of the Diet. When a quarter or more of the total members of either House makes the demand, the Cabinet must determine on such convocation.

Article 54. When the House of Representatives is dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election.

When the House of Representatives is dissolved, the House of Councillors is closed at the same time. However, the Cabinet may in time of national emergency convoke the House of Councillors in emergency session.

Measures taken at such session as mentioned in the proviso of the preceding paragraph shall be provisional and shall become null and void unless agreed to by the House of Representatives within a period of ten (10) days after the opening of the next session of the Diet.

Article 55. Each House shall judge disputes related to qualifications of its members. However, in order to deny a seat to any member, it is necessary to pass a resolution by a majority of two-thirds or more of the members present.

Article 56. Business cannot be transacted in either House unless one-third or more of total membership is present.

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution, and in case of a tie, the presiding officer shall decide the issue.

Article 57. Deliberation in each House shall be public.

However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefore.

Each House shall keep a record of proceedings. This records shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy.

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be recorded in the minutes.

Article 58. Each House shall select its own president and other officials.

Each House shall establish its rules pertaining to meetings, proceedings and internal discipline, and may punish members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more of those members present must pass a resolution thereon.

Article 59. A bill becomes a law on passage both Houses, except as otherwise provided by the Constitution.

A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

The provision of the preceding paragraph does not preclude the House of Representatives from calling for the meeting of a joint committee of both Houses, provided for by law.

Failure by the House of Councillors to take final action within sixty(60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection of the said bill by the House of Councillors.

Article 60. The budget must first be submitted to the House of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when no agreement can be reached even through a joint committee of both Houses, provided for by law,

or in the case of failure by the House of Councillors to take final action within thirty(30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives shall be the decision of the Diet.

Article 61. The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties.

Article 62. Each House may conduct investigations in relation to government, and may demand the presence and testimony of witnesses, and the production of records.

Article 63. The Prime Minister and other Ministers of State may, at any time, appear in either House for the purpose of speaking on bills, regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

Article 64. The Diet shall set up an impeachment court from among the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted.

Matters relating to impeachment shall be provided by law.

CHAPTER V. THE CABINET

Article 65. Executive power shall be vested in the Cabinet.

Article 66. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State, as provided for by law.

The Prime Minister and other Ministers of State must be civilians.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

Article 67. The Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Coun-

cillors disagree and if no agreement can be reached even through a joint committee of both Houses, provided for by law, or the House of Councillors fails to make designation within ten(10) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives shall be decision of the Diet.

Article 68. The Prime Minister shall appoint the Ministers of State. However, a majority of their number must be chosen from among the members of the Diet.

The Prime Ministers of States may remove the Ministers of State as he chooses.

Article 69. If the House of Representatives passes a non-confidence resolution, or rejects a confidence resolution, the Cabinet shall resign en masse, unless the House of Representatives is dissolved within ten(10) days.

Article 70. When there is a vacancy in the post of Prime Minister, or upon the first convocation of the Diet after a general election of members of the House of Representatives, the Cabinet shall resign en masse.

Article 71. In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

Article 72. The Prime Minister, representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet and exercises control and supervision over various administrative branches.

Article 73. The Cabinet, in addition to other general administrative functions, shall perform the following functions:

Administer the law faithfully; conduct affairs of state.
Manage foreign affairs.

Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

Administer the civil service, in accordance with standards established by law.

Prepare the budget, and present it to the Diet.

Enact cabinet orders in order to execute the provisions of

this Constitution and of the law. However, it cannot include penal provisions in such cabinet orders unless authorized by such law.

Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

Article 74. All laws and cabinet orders shall be signed by the competent Minister of State and countersigned by the Prime Minister.

Article 75. The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister. However, the right to take that action is not impaired hereby.

CHAPTER VI. JUDICIARY

Article 76. The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.

No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power.

All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws.

Article 77. The Supreme Court is vested with the rule-making power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs.

Public procurators shall be subject to the rule-making power of the Supreme Court.

The Supreme Court may delegate the power to make rules for inferior courts to such courts.

Article 78. Judges shall not be removed except by public impeachment unless judicially declared mentally or physically incompetent to perform official duties. No disciplinary action against judges shall be administered by any executive organ or agency.

Article 79. The Supreme Court shall consist of a Chief Judge and such number of judges as may be determined by law; all such judges excepting the Chief Judge shall be appointed by the Cabinet.

The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of members of the House of Representatives following their appointment, and shall be reviewed again at the first general election of members of the House of Representatives after a lapse of ten (10) years, and in the same manner thereafter.

In cases mentioned in the foregoing paragraph, when the majority of the voters favors the dismissal of a judge, he shall be dismissed.

Matters pertaining to review shall be prescribed by law.

The judges of the Supreme Court shall be retired upon the attainment of the age as fixed by law.

All such judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article 80. The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court. All such judges shall hold office for a term of ten (10) years with privilege of reappointment, provided that they shall be retired upon the attainment of the age as fixed by law.

The judges of the inferior courts shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article 81. The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act.

Article 82. Trials shall be conducted and judgment declared publicly. Where a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press or cases wherein the rights or people as guaranteed in Chapter III of this Constitution are in question shall always be conducted publicly.

CHAPTER VII. FINANCE

Article 83. The power to administer national finances shall be exercised as the Diet shall determine.

Article 84. No new taxes shall be imposed or existing ones modified except by law or under such conditions as law may prescribe.

Article 85. No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

Article 86. The Cabinet shall prepare and submit to the Diet for its consideration and decision a budget for each fiscal year.

Article 87. In order to provide for unforeseen deficiencies in the budget, a reserve fund may be authorized by the Diet to be expended upon the responsibility of the Cabinet.

The Cabinet must get subsequent approval of the Diet for all payments from the reserve fund.

Article 88. All property of the Imperial Household shall belong to the State. All expenses of the Imperial Household shall be appropriated by the Diet in the budget.

Article 89. No public money or other property shall be expended or appropriated for the use, benefit or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprises not under the control of public authority.

Article 90. Final accounts of the expenditures and revenues of the State shall be audited annually by a Board of Audit and submitted by the Cabinet to the Diet, together with the statement of audit, during the fiscal year immediately following the period covered.

The organization and competency of the Board of Audit shall be determined by law.

Article 91. At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.

CHAPTER VIII. LOCAL SELF-GOVERNMENT

Article 92. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

Article 93. The local public entities shall establish assemblies as their deliberative organs, in accordance with law.

The chief executive officers of all local public entities, the members of their assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

Article 94. Local public entities shall have the right to manage their property, affairs and administration and to enact their own regulations within law.

Article 95. A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

CHAPTER IX. AMENDMENTS

Article 96. Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds or more of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.

Amendments when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution.

CHAPTER X. SUPREME LAW

Article 97. The fundamental human rights by this Constitution guaranteed to the people of Japan are fruits of the

age-old struggle of man to be free; they have survived upon this and future generations in trust, to be held for all time inviolate.

Article 98. This Constitution shall be the supreme law of the nation and no law, ordinance, imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

The treaties concluded by Japan and established laws of nations shall be faithfully observed.

Article 99. The Emperor or the Regent as well as Ministers of State, members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

CHAPTER XI. SUPPLEMENTARY PROVISIONS

Article 100. This Constitution shall be enforced as from the day when the period of six months will have elapsed counting from the day of its promulgation.

The enactment of laws necessary for the enforcement of this Constitution, the election of members of the House of Councillors and the procedure for the convocation of the Diet and other preparatory procedures for the enforcement of this Constitution may be executed before the day prescribed in the preceding paragraph.

Article 101. If the House of Councillors is not constituted before the effective date of this Constitution, the House of Representatives shall function as the Diet until such time as the House of Councillors shall be constituted.

Article 102. The term of office for half the members of the House of Councillors serving in the first term under this Constitution shall be three years. Members falling under this category shall be determined in accordance with law.

Article 103. The Ministers of State, members of the House

of Representatives, and judges in office on the effective date of this Constitution, and all other public officials, who occupy positions corresponding to such positions as are recognized by this Constitution shall not forfeit their positions automatically on account of the enforcement of this Constitution unless otherwise specified by law. When, however, successors are elected or appointed under the provisions of this Constitution they shall forfeit their positions as a matter of course.

THE COURT ORGANIZATION LAW

(Law No. 59 of the fifteenth day of the fourth month of the twenty-second year of Showa—April 5, 1947)

AMENDMENTS (Law No. 126 of the twenty-second year of Showa—1947, Law No. 195 of the twenty-second year of Showa—1947, Law No. 1 of the twenty-third year of Showa—1948, Law No. 146 of the twenty-third year of Showa—1948).

BOOK I. GENERAL PROVISIONS

Article 1. (Object of This Statute). The Supreme Court and the inferior courts prescribed in the Constitution of Japan shall be determined by this statute.

Article 2. (Inferior Courts). The inferior courts shall consist of High Courts, District Courts and Summary Courts.

The establishment, abolition and territorial jurisdiction of inferior courts shall be provided elsewhere by statute.

Article 3. (Jurisdiction of Courts). Courts shall, except as expressly provided in the Constitution of Japan, decide all legal disputes and shall possess such other powers as are specifically provided by statute.

The provisions of the previous paragraph shall in no way prevent preliminary determinations by executive agencies.

The provisions of this law shall in no way prevent the establishment by other statutes of a jury system for criminal cases.

Article 4. (Binding Power of Decisions). A conclusion in a decision of a Superior Court shall bind courts below in respect to the case concerned.

Article 5. (Judges). The judges of the Supreme Court shall be a Chief Judge who is called the President of the Supreme Court and other judges who are called the Judges of the Supreme Court.

The judges of inferior courts shall be a chief judge of a

High Court who is called the President of a High Court and other judges who are called Judges, Assistant Judges and Judges of the Summary Court.

The number of the Judges of the Supreme Court shall be fourteen. The number of the Judges of Inferior Courts shall be fixed elsewhere by statute.

BOOK II. SUPREME COURT

Article 6. (Location). The Supreme Court shall be located in the Metropolis of Tokyo.

Article 7. (Jurisdiction). The Supreme Court shall have jurisdiction over the following matters:

1. *Jokoku* (appeal);
2. *Kokoku* (complaint) prescribed specially in codes of procedure.

Article 8. (Other Powers). The Supreme Court shall have powers specially provided by other statutes in addition to those prescribed in this statute.

Article 9. (Grand Bench and Petty Benches). The Supreme Court shall conduct hearings and render decisions through a Grand Bench and a Petty Bench.

The Grand Bench shall be a collegiate body comprised of all judges. A Petty Bench shall be a collegiate body of judges whose number shall be specified by the Supreme Court. However, a Petty Bench must be comprised of three or more judges.

One of the judges of each of the various collegiate bodies shall be the presiding judge.

The various collegiate bodies may conduct hearings and render decisions if there are present the number of judges determined by the Supreme Court.

Article 10. (Examinations of the Grand Bench and Petty Benches). Regulations of the Supreme Court shall determine which cases are to be handled by the Grand Bench and which by Petty Benches. However, in the following instances, a Petty Bench cannot render a decision:

1. Cases in which a determination is made of the constitu-

tionality of a statute, ordinance, regulation or disposition, as a result of the contention of a litigant.

2. Cases other than those mentioned in the previous item when the unconstitutionality of a statute, ordinance, regulation or disposition is recognized.
3. Cases in which an opinion concerning the interpretation and application of the Constitution or of any other law or ordinances is contrary to that of a decision previously rendered by the Supreme Court.

Article 11. (Expression of Opinions of Judges). The opinion of every judge must be expressed in written decisions.

Article 12. (Judicial Administrative Affairs). In its conduct of judicial administrative affairs, the Supreme Court shall act through the deliberations of the Judicial Assembly and under the general supervision of the President of the Supreme Court.

The Judicial Assembly shall consist of all judges and the President of the Supreme Court shall preside over it.

Article 13. (Secretariat). The Supreme Court shall have a Secretariat, which shall administer the miscellaneous affairs of the Supreme Court.

Article 14. (Judicial Research and Training Institute). A Judicial Research and Training Institute shall be established in the Supreme Court in order to manage affairs relating to the research and training of judges and other court officials and to the education of judicial apprentices.

BOOK III. INFERIOR COURTS

CHAPTER I. HIGH COURT

Article 15. (Organization). A High Court shall consist of a President and a proper number of Judges.

Article 16. (Jurisdiction). A High Court shall have jurisdiction over the following matters:

1. *Koso* appeals from judgements in the first instance rendered by District Courts;
2. *Kokoku* complaints against rulings and orders rendered by District Courts, except those prescribed in Article 7, item 2;

3. *Jokoku* appeals from judgements in the second instance rendered by District Courts or from judgements in the first instance rendered by Summary Courts;
4. Actions in the first instance relating to any of the offenses mentioned in Articles 77 to 79, inclusive of the Criminal Code.

Article 17. (Other Powers). A High Court shall have, in addition to those prescribed in this statute, such powers as are specially provided by other statutes.

Article 18. (Collegiate Court System). A High Court shall handle cases through a collegiate court of judges. However, matters other than those which are to be heard and decided in court, shall be handled in accordance with other Articles as elsewhere provided by statute.

The number of judges of a collegiate court mentioned in the preceding paragraph shall be three, one of whom shall be a presiding judge. However, the number of judges shall be five in those cases mentioned in item 4 of Article 16.

Article 19. (Substitution of Judges). A High Court may, when there is urgent necessity for the conduct of trial proceedings, cause a Judge of a District Court within the area over which the said High Court has jurisdiction to serve as a Judge of a High Court.

Article 20. (Judicial Administrative Affairs). In its conduct of judicial administrative affairs, a High Court shall act through the deliberations of the Judicial Assembly, under the general supervision of the President of the High Court.

The Judicial Assembly of a High Court shall consist of all judges and the President of the High Court shall preside over it.

Article 21. (Secretariat). A High Court shall have a Secretariat which shall administer the miscellaneous affairs of the Court.

Article 22. (Branches). The Supreme Court may establish branches of a High Court within the area over which the High Court has jurisdiction and cause them to perform a part of functions of the High Court.

The Supreme Court shall designate judges who shall serve at branches of a High Court.

CHAPTER II. DISTRICT COURT

Article 23. (Organization). A District Court shall consist of a proper number of Judges and Assistant Judges.

Article 24. (Jurisdiction). A District Court shall have jurisdiction over the following matters:

1. Actions in the first instance, except those of offenses mentioned in item 4 of Article 16, claims mentioned in item 1 of paragraph 1 of Article 33, and offenses liable to fine or lesser punishment;
2. *Koso* appeals from judgments rendered by Summary Courts;
3. *Kokoku* complaints against rulings and orders rendered by Summary Courts except those mentioned in item 2 of Article 7.

Article 25. (Other Powers). A District Court shall have in addition to those prescribed in this statute, such powers as are specially provided by other statutes and all powers over matters which are determined elsewhere by statute to belong to courts but are not given to other courts..

Article 26. (Single Judge and Collegiate Court Systems). A District Court shall, except in the cases prescribed in the second paragraph, handle cases through a single judge.

The following cases shall be handled by a collegiate court of judges. However, matters other than those which are to be heard and decided in court shall be handled in accordance with other Articles elsewhere provided by statute:

1. Cases in which a collegiate court has made a ruling to the effect that it will conduct hearing and render decisions by itself;
2. Cases regarding offenses liable to capital punishment, imprisonment with or without hard labour for life or for not less than one year (except offenses or criminal attempts mentioned in Articles 236, 238 and 239 of the Criminal Code and offenses mentioned in Article 2 and

- 3 of the Law No. 9 of the fifth year of Showa—1930) ;
3. Cases of *Koso* appeals from the judgements rendered by Summary Courts or complaints against the rulings and orders of Summary Courts;
 4. Other cases which as elsewhere provided by statute are to be heard and decided through a collegiate court.

The number of judges of a collegiate court mentioned in the preceding paragraph shall be three, one of whom shall be the presiding judge.

Article 27. (Limitations on the Authority of Assistant Judges). Assistant Judges cannot render decisions independently unless specially prescribed elsewhere by statute.

Two or more Assistant Judges cannot participate in a single collegiate court. An Assistant Judge cannot be a presiding judge.

Article 28. (Substitution of Judges). A High Court may, when there is urgent necessity for the conduct of trial proceedings in a District Court within the area over which the said High Court has jurisdiction, cause a judge of another District Court within the said area to serve as a judge of the said District Court.

Article 29. (Judicial Administrative Affairs). The Supreme Court shall designate one of the Judges of each District Court as the President of the Court.

In its conduct of judicial administrative affairs, a District Court shall act through the deliberation of the Judicial Assembly, under the general supervision of the President of the District Court.

The Judicial Assembly of a District Court shall consist of all Judges and the President of the District Court shall preside over it.

Article 30. (Secretariat). A District Court shall have a Secretariat which shall administer the miscellaneous affairs of the court.

Article 31. (Branches and Local Offices). The Supreme Court may establish branches and local offices of a District

Court within the area over which the said District Court has jurisdiction and cause them to perform a part of functions of the District Court.

The Supreme Court shall designate judges who will serve at branches of a District Court.

CHAPTER III. SUMMARY COURT

Article 32. (Judges). A Summary Court shall have a proper number of Judges of the Summary Court.

Article 33. (Jurisdiction). A Summary Court shall have jurisdiction in the first instance over the following matters:

1. Claims where the value of the subject-matter of the action does not exceed five thousand *yen* (excluding claims for cancellation or change of administrative dispositions);
2. Actions which relate to offenses liable to fine or lighter penalty offenses liable to a fine as an optional penalty, offenses or criminal attempts mentioned in Article 235 of the Criminal Code.

A Summary Court cannot impose imprisonment (without hard labor) or a graver penalty. But it can impose imprisonment with hard labor not exceeding three years with respect to cases of offenses or criminal attempts mentioned in Article 235 of the Criminal Code or with respect to cases in which the above-mentioned offenses and other offenses should be punished, in accordance with the provisions of Article 54, paragraph 1 of the Criminal Code, with penalties to be imposed upon the above-mentioned offenses.

When a Summary Court deems proper to impose a penalty exceeding the limits prescribed in the preceding paragraph, it must transfer cases to a District Court in accordance with the provisions of procedural codes.

Article 34. (Other Powers). A Summary Court shall have, in addition to those prescribed in this statute, such powers as are specially provided by other statutes.

Article 35. (Single Judge System). A Summary Court shall handle cases through a single judge.

Article 36. (Substitution of Judges). A District Court may, when there is urgent necessity for the conduct of trial proceedings in a Summary Court within the area over which the District Court has jurisdiction, cause a judge of another Summary Court within the said area or a judge of the District Court to serve as a judge of the said Summary Court.

Article 37. (Judicial Administrative Affairs). The judicial administrative affairs of a Summary Court, at times when the Summary Court consists of a single judge, shall be administered by the said judge and when there are two or more judges, by one of them designated by the Supreme Court.

Article 38. (Transfer of Duties). A District Court may, if special circumstances make impossible the performance of duties by a Summary Court situated within the area over which the District Court has jurisdiction, cause another Summary Court within the said area to perform the whole or a part of such duties.

BOOK IV.

COURT OFFICIALS AND JUDICIAL APPRENTICES

CHAPTER I. JUDGES

Article 39. (Appointment and Dismissal of Judges of the Supreme Court). The Emperor shall appoint the President of the Supreme Court as designated by the Cabinet. Judges of the Supreme Court shall be appointed by the Cabinet.

The Emperor shall attest the appointment and dismissal of Judges of the Supreme Court.

The appointment of the President of the Supreme Court and of Judges of the Supreme Court shall be reviewed by the people in accordance with statutes which provide for popular review.

Article 40. (Appointment and Dismissal of Judges of Inferior Courts). The Cabinet shall appoint Presidents of High Courts, Judges, Assistant Judges, and Judges of Summary Courts from a list of persons nominated by the Supreme Court.

The Emperor shall attest the appointment and dismissal of Presidents of High Courts.

Judges mentioned in the first paragraph shall, ten years after their appointment to office, be regarded as having completed their terms of office and may be reappointed.

Article 41. (Qualifications for Appointment of Judges of the Supreme Court). Judges of the Supreme Court shall be appointed from among persons of broad vision and extensive knowledge of law, who are not less than forty years of age. At least ten of them must be persons who have held one or two of the positions mentioned in item 1 or 2 for not less than ten years, or one or more of the positions mentioned in the following items for the total period of twenty years or more:

1. President of the High Court;
2. Judges;
3. Judges of the Summary Court;
4. Public Procurators;
5. Lawyers;
6. Professors or Assistant professors in legal science in universities which shall be determined elsewhere by statute.

In the application of the provisions of the preceding paragraph, if positions such as those of Assistant Judge, Research Official of a court, Secretary General of the Supreme Court, Secretary of a court, Teacher of the Judicial Research and Training Institute, Each Director-General, Secretary-General of the President's Secretariat, Secretary of the Legal Affairs Office, Educational Official of the Legal Affairs Office or Juvenile Court Judge have also been held by persons who have held the positions mentioned in items 1 and 2 of the preceding paragraph for at least five years, or by persons who have held, for not less than ten years, one or more of the positions mentioned in items 3 to 6 of the preceding paragraph, such positions shall be deemed to be those mentioned in items 3 to 6 inclusive of the said paragraph.

In the application of the provisions of the two preceding paragraphs, the period of service in the positions enumerated in items 3 to 5 inclusive of the first paragraph and in the preceding paragraph, shall be computed as from the time when study as a judicial apprentice has been finished.

In a case when a person has, for three years or more, held

a position as Professor or Assistant Professor of legal science in a university mentioned in item 6 of the first paragraph, and also has held a position as Judge of the Summary Court, Public Procurator (an Assistant Procurator is excluded) or lawyer, the provisions of the preceding paragraph shall not apply to the period of service in such position.

Article 42. (Qualifications for Appointment of Presidents of High Courts and Judges). Presidents of High Courts and Judges shall be appointed among those who have for ten years or longer held one or more of the following positions:

1. Assistant Judges;
2. Judges of the Summary Court;
3. Public Procurators;
4. Lawyers;
5. Research Officials of a court, Teachers of the Judicial Research and Training Institute, or Juvenile Court Judges;
6. Professors or Assistant Professors of legal science in universities mentioned in paragraph 1, item 6 of the preceding Article.

In the application of the provisions of the previous paragraph, persons who have for more than three years held one or more of the occupations mentioned in said paragraph and who also have held positions as Secretaries of a court Secretaries of the Legal Affairs Office or Educational Officials of the Legal Affairs Office shall be regarded as having held the office enumerated in the various items of the previous paragraph.

In the application of the provisions of the preceding two paragraphs, the period of service in the positions enumerated in items 2 to 5 inclusive of paragraph 1, and in the previous paragraph shall be computed as from the time when study as a judicial apprentice has been finished.

In cases when a person has, for three years or more, held a position as Professor or Assistant Professor of legal science in a university mentioned in item 6 of paragraph 1 of the preceding Article and has afterward served as a Judge of a Summary Court, Public Procurator (an Assistant Public Procurator is excluded) or lawyer, the provisions of the preceding para-

graph shall not apply to this (latter) period of service. The same shall also be the case in respect to a person who has been appointed as a Judge of a Summary Court or a Public Procurator without having successfully completed the training of a judicial apprentice, and who later passes the examination mentioned in Article 66 and thenceforth serves as a Judge of a Summary Court, Public Procurator (an Assistant Public Procurator is excepted) or lawyer.

Article 43. (Qualification for Appointment of Assistant Judges). Assistant Judges shall be appointed from among those who have finished study as judicial apprentices.

Article 44. (Qualification for Appointment of Judges of the Summary Court). Judges of the Summary Court shall be appointed from among those who have been the Presidents of High Courts or Judges or who have held one or more of the positions mentioned in the following items for the total period of three years or more:

1. Assistant Judges;
2. Public Procurators;
3. Lawyers;
4. Research Officials of a court, Secretaries of a court, Teachers of the Judicial Research and Training Institute, Secretaries of the Legal Affairs Office, Educational Officials of the Legal Affairs Office and Juvenile Court Judges;
5. Professors or Assistant Professors of legal science in the universities mentioned in Article 43, paragraph 1. item 6.

In the application of the provisions of the preceding paragraph, the period of service in the positions enumerated in items 2 to 4 inclusive of the said paragraph shall be computed as from the time when study as a judicial apprentice has been finished.

In cases when a person has been appointed as a Public Procurator without having successfully completed the training of a judicial apprentice, and who later passes the examination mentioned in Article 66 and thenceforth serves as a Public Procurator (an Assistant Procurator is excepted) or lawyer, the

provisions of the preceding paragraph shall not apply to this (latter) period of service.

Article 45. (Selection and Apoinptment of Judges of the Summary Court). Persons who have been engaged in judicial business for many years and who possess the knowledge and experience necessary for performing the duties of a Judge of a Summary Court may, even if they do not fall within the purview of the persons prescribed in the first paragraph of the preceding article, be appointed Judges of the Summary Court through selection by the Selection Committee for Judges of the Summary Court.

Rules and regulations relating to this Committee shall be fixed by the Supreme Court.

Article 46. (Grounds for Incompetency for Appointment). In addition to those persons who are incompetent to be appointed ordinary government officials according to other statutes, no person falling under one of the following categories shall be appointed judge:

1. A person who has been punished with imprisonment (without hard labor) or a graver penalty;
2. A person whose dismissal from Office has been decreed by an impeachment court.

Article 47. (Assignment to Position). Judges of Inferior Courts shall be assigned to positions by the Supreme Court.

Article 48. (Guarantee of Status). A judge shall not, against his will, be dismissed, or be removed to any other official position, or be transferred from one court to another, or be suspended from exercising his judicial function, or have his salary reduced, except in accordance with the provisions of statute relating to public impeachment or national review, or unless, in accordance with provisions made elsewhere by statute, he is declared mentally or physically incompetent to perform official duties.

Article 49. (Disciplinary Punishments). When a judge has swerved from his duty, neglected his duty or degraded himself, he shall be subjected to disciplinary punishment by deci-

sions as provided elsewhere by statute.

Article 50. (Age of Retirement). Judges of the Supreme Court shall retire upon the attainment of seventy years of age, and judges of High Courts or District Courts shall retire upon the attainment of sixty-five years of age and judges of Summary Courts shall retire upon the attainment of seventy years of age.

Article 51. (Compensation). The compensation received by judges shall be fixed by statute.

Article 52. (Prohibition of Political Activities, etc.). Judges, while in office, shall not do any of the following acts:

1. To become members of the Diet or of assemblies of local public entities or engage actively in political movements;
2. To hold another salaried position without obtaining the permission of the Supreme Court;
3. To carry on any commercial business or a business which aims at pecuniary gain.

CHAPTER II.

COURT OFFICIALS OTHER THAN JUDGES

Article 53. (Secretary General of the Supreme Court). In the Supreme Court there shall be one Secretary General of the Supreme Court.

The Secretary General of the Supreme Court shall be a first class official. The Secretary General of the Supreme Court shall, under the supervision of the President of the Supreme Court, administer the affairs of the Secretariat of the Supreme Court and control and supervise officials of the Secretariat.

Article 54. (Private Secretary of the President of the Supreme Court). In the Supreme Court there shall be one Private Secretary of the President of the Supreme Court.

The Private Secretary of the President of the Supreme Court shall be a second class official.

The Private Secretary of the President of the Supreme Court shall, upon the order of the President of the Supreme Court, administer confidential affairs.

Article 55. (Teachers of the Judicial Research and Training Institute). In the Supreme Court there shall be Teachers of the Judicial Research and Training Institute, whose number shall be fixed elsewhere by statute.

Teachers of the Judicial Research and Training Institute shall be first, second or third class officials.

Teachers of the Judicial Research and Training Institute shall, under the direction of their superiors, guide the research, training and study in the Judicial Research and Training Institute.

Article 56. (Chief of the Judicial Research and Training Institute). In the Supreme Court there shall be a Chief of the Judicial Research and Training Institute who shall be assigned to the position by the Supreme Court from among the first class Teachers of the Judicial Research and Training Institute.

The Chief of the Judicial Research and Training Institute shall, under the supervision of the President of the Supreme Court, administer the affairs of the Institute and control and supervise officials of the Institute.

Article 57. (Judicial Research Officials). In the Supreme Court and High Courts there shall be Judicial Research Officials whose number shall be fixed elsewhere by statute.

Judicial Research Officials shall be second class officials. But some of them may be first class officials. The maximum number shall be fixed elsewhere by statute.

Judicial Research Officials shall, upon the order of judges, conduct the necessary research in connection with the hearing and decision of cases..

Judicial Research Officials may be appointed from among persons who have passed the examination mentioned in Article 66, in addition to those who are qualified to be appointed to ordinary second class officials.

Article 58. (Court Secretaries). In all courts there shall be Court Secretaries, whose number shall be fixed elsewhere by statute.

Court Secretaries shall be first, second or third class officials.

Court Secretaries shall, upon the order of their superiors, administer the affairs of courts.

Second class Court Secretaries may be appointed or promoted from among those who have passed the examination mentioned in Article 66, in addition to those who are qualified to be appointed or promoted to ordinary second class officials.

Article 59. (Chief of Secretariat). In each High Court and District Court there shall be a Chief of Secretariat, who shall be assigned to the position by the Supreme Court from among court secretaries.

The Chief of Secretariat of each High Court or of each District Court shall, under the supervision of the President of the High Court or the President of the District Court respectively, administer the affairs of the Secretariat and control and supervise officials thereof.

Article 60. (Court Clerks). In each court there shall be Court Clerks, who shall be assigned to positions from among court secretaries by the Supreme Court, each High Court or each District Court in accordance with rules determined by the Supreme Court.

The Court Clerk shall prepare and have custody of records and other documents concerning the cases of the court, and conducts such other affairs as provided elsewhere by statute.

The Court Clerk shall, in exercising his duties, obey the order of judges.

If, in cases where a Court Clerk has received an order from a judge in regards to the preparation or alteration of a transcript of a statement or of other documents, he recognizes such preparation or alteration is not just and proper, he may attach his own opinion in writing.

Article 61. (Technical Officials of Courts). In all courts there shall be Technical Officials of Courts, whose number shall be fixed elsewhere by statute.

Technical officials of courts shall be second or third class officials.

Technical officials of courts shall, upon the order of their superiors, conduct technical affairs.

Article 62. (Marshals). There shall be Marshals in each District Court. The Marshal shall be appointed by each District

Court in accordance with rules determined by the Supreme Court.

The Marshal shall manage the execution of judgements, the dispatch and delivery of documents issued by the court and such other affairs as are provided elsewhere by statute.

The Marshal shall receive a commission. If the commissions do not amount to a certain sum, he shall receive a subsidy from the national treasury.

Article 63. (Bailiffs). Each court shall employ Bailiffs.

A Bailiff will conduct courtroom duties under the direction of judges and such other affairs as are determined by the Supreme Court.

At times when a court is unable to use a marshal, it may use a bailiff for the dispatch and delivery of documents in the court's vicinity.

Article 64. (Appointment, Dismissal and Promotion). The appointment, dismissal and promotion of first class court officials other than judges shall be made by the Cabinet upon the request of the Supreme Court, those of second class court officials shall be made by the Supreme Court, and those of third class court officials, shall be made by the Supreme Court, a High Court or a District Court in accordance with rules determined by the Supreme Court.

Article 65. (Designation of Courts of Service). The courts where Judicial Research Officials, Court Secretaries, (except Chief of Secretariat or Court Clerks) and Technical Officials of Courts are to be in service shall be designated by the Supreme Court, a High Court or a District Court in accordance with rules determined by the Supreme Court.

CHAPTER III. JUDICIAL APPRENTICES

Article 66. (Appointment). Judicial apprentices shall be appointed by the Supreme Court from among those persons who have passed the judicial type higher civil service examination.

Matters relating to the examination mentioned in the preceding paragraph shall be provided by Cabinet Order.

Article 67. (Study and Examination). A judicial ap-

prentice shall complete his study, upon passing an examination at the end of two years of training.

A judicial apprentice shall receive a fixed allowance from the national treasury during his term of study.

Matters relating to the study and examination mentioned in the first paragraph shall be determined by the Supreme Court.

Article 63. (Dismissal). The Supreme Court may dismiss a judicial apprentice when it considers that his behaviour degrades its dignity or when it considers that there exists cause specified (previously) by the Supreme Court.

BOOK V. CONDUCT OF TRIAL

CHAPTER I. COURT SESSIONS

Article 69. (Place of Session). Sessions shall be held at courts or branches.

The Supreme Court may, when it deems necessary, hold sessions of court at different places or cause an inferior court to hold sessions at other places which it designates, notwithstanding the provisions of the preceding paragraph.

Article 70. (Procedure for Suspension of Public Trial). In order to conduct trial in camera in accordance with the second paragraph of Article 82 of the Constitution of Japan, a court shall, before ordering spectators to leave the court room, make a statement as to the reason for this action. In delivering a judgment, a court shall cause the public to be admitted to the court room again.

Article 71. (Maintenance of Order in Court). The presiding judge or a judge who has opened a court will maintain order in the court.

The presiding judge or a judge who has opened a court may order any person who interferes with the exercise of functions of the court or who behaves himself improperly, to leave the court, and may issue other orders or take such measures as are necessary for the maintenance of order in the court.

Article 72. (Dispositions outside Court). At times when the court exercises its functions outside court in accordance with

the provisions of other statute, the presiding judge or a single judge may order any person who interferes with the operations of the court to leave the court, and may issue other necessary orders or take other necessary measures.

The authority of the presiding judge mentioned in the preceding paragraph shall be conferred upon a judge when he exercise his functions outside court as provided elsewhere by statute.

Article 73. (Offense of Interference with a Trial). Any person who, contrary to an order mentioned in the two preceding Articles, interferes with the exercise of the functions of a court or of a judge shall be liable to imprisonment with or without hard labor for a term not exceeding one year or to a fine not exceeding one thousand *yen*.

CHAPTER II. LANGUAGE OF COURT

Article 74. (Language of Court). In the court the Japanese language shall be used.

CHAPTER III. DELIBERATION OF DECISIONS

Article 75. (Secrecy of Deliberation). The deliberation of decisions in a collegiate court shall not take place in public, but the presence of judicial apprentices may be permitted.

Deliberation shall be begun and regulated by the presiding judge. Except as otherwise provided in this statute, strict secrecy shall be observed in respect to the proceedings of deliberation, the opinion of each judge and the number of opinions.

Article 76. (Duty to Express Opinions). Judges shall express their opinions in deliberations.

Article 77. (Decision). Except in cases when the Supreme Court has enacted special regulations in relation to Supreme Court decision, decisions shall be rendered by a majority of opinions.

In cases when decisions are rendered by majority opinion, if there are three or more different opinions in respect to the

following matters, and none of them obtains the absolute majority, the decision shall be rendered in accordance with the opinion mentioned below:

1. In respect to an amount, the number of opinions in favour of the largest amount shall be added to the number of opinions in favour of the next largest amount, and so on until an absolute majority is attained. The amount of the majority opinion shall be that of the opinion in favour of the smallest amount which is held within the majority group;
2. In criminal cases, the number of opinions most unfavourable to the accused shall be added to the number of opinions next most unfavourable, and so on until an absolute majority is attained. The majority opinion then shall be that of the opinion most favourable to the accused which is held within the majority group.

Article 78. (Supplementary Judges). When the trial of a collegiate court is expected to continue for a long time, one supplementary judge may attend the trial and, should a judge of a collegiate court in the course of the trial become unable to take part in the trial, the supplementary judge may join the collegiate court to conduct hearings and render decisions in the place of the judge.

CHAPTER IV. COOPERATION OF COURTS

Article 79. (Cooperation of Courts). The courts shall render necessary mutual assistance in the conduct of trial.

BOOK VI. JUDICIAL ADMINISTRATION

Article 80. (Supervision of Judicial Administration). The power of supervision over judicial administration shall be exercised as follows:

1. The Supreme Court shall exercise supervision over its officials, inferior courts and officials thereof;
2. Each High Court shall exercise supervision over its officials, inferior courts within the area over which it has

jurisdiction and officials of inferior courts;

3. Each District Court shall exercise supervision over its officials, and Summary Courts within the area over which it has jurisdiction and officials of Summary Courts;
4. Judges of the Summary Court prescribed in Article 37 shall exercise supervision over officials of Summary Courts other than judges of the said Summary Court.

Article 81. (Relation between Power of Supervision and Judicial Power). The Power of supervision mentioned in the preceding Article shall not influence or restrict the judicial power of judges.

Article 82. (Complaint against the Method of Performance of Functions). Complaints lodged against the methods of performance of functions of courts shall be dealt with by means of powers of supervision mentioned in Article 80.

BOOK VII. EXPENDITURE OF COURTS

Article 83. (Expenditure of Courts). Expenditures of courts shall be independently appropriated in the national budget.

A reserve fund must be provided among the expenditures mentioned in the preceding paragraph.

Supplementary Provisions:

The present statute shall come into force as from the day of the enforcement of the Constitution of Japan.

The Law of the Constitution of Courts, Regulations for the Enforcement of the Law of the Constitution of Courts, the Law of Disciplinary Punishment of Judges and the Law of Administrative Litigation shall hereby be abrogated.

Supplementary Provisions (Law No. 126 of the twenty-second year of Showa—1947).

The present law shall come into force as from the day (October 29, 1947) of its promulgation.

Supplementary Provisions (Law No. 195 of the twenty-second year of Showa—1947).

Article 17. The present law shall come into force on the day when sixty days have elapsed from the day (December 17, 1947) of its promulgation.

Article 18. The tenure of the holding office as Vice-Minister of Justice, Secretaries of the Ministry of Justice and Educational Officials of the Ministry of Justice shall respectively be regarded as tenure of the holding office as each Director-General of the Legal Affairs Office, Secretaries of the Legal Affairs Office and Educational Officials of the Legal Affairs Office concerning the application of the provisions of Articles 41, 42 and 44 of the Court Organization Law and Article 19 of the Public Procurator's Office law.

Supplementary Provisions (Law No. 1 of the twenty-third year of Showa—1948).

The present law shall come into force as from the day (January 1, 1948) of its promulgation.

LAW FOR THE ENFORCEMENT OF THE COURT ORGANIZATION LAW

(Law No. 60 of the fourth month of the twenty-second
year of Showa).

AMENDMENT (Law No. 126 of the twenty-second year of
Showa).

Article 1. (Laws to be Abrogated). Law No. 106 of the 23rd year of Meiji (1890), Law No. 9 of the 2nd year of Taisho (1913), Law No. 30 of the 10th year of Showa (1935), Law No. 30 of the 10th year of Showa (1935), Law No. 11 of the 13th year of Showa (1938), and Ordinance for Summary Decisions of Contravention of Police Regulations (Ikeizai Sokketsurei) are hereby abrogated.

Article 2. (Procedures in Former Courts). The receptions of cases and other procedures taken by courts in accordance with the old Court Organization Law shall be deemed receptions and other procedures taken by the Supreme Court or inferior courts in accordance with provisions made by Government Ordinance.

In regard to administrative litigation pending in the Court of Administrative Litigation at the time of enforcement of the Court Organization Law, an administrative action brought at the Court of Administrative Litigation shall be deemed an action brought in the Tokyo High Court.

Article 3. (Status of Former Judges). A person who holds the office of a judge in the old Supreme Court at the time of the enforcement of the Court Organization Law and is not appointed as judge of the new Supreme Court shall be deemed to be assigned to the Tokyo High Court.

A person who holds the office of judge in an Appellate Court at the time of the enforcement of the Court Organization Law shall be deemed to be assigned to the High Court which has jurisdiction over the place where the Appellate Court is situated.

A person who holds the office of judge in a District Court

under the old Court Organization Law (the term "old District Court" will be used hereafter) or a person who holds the office of judge in a Local Court at the time of the enforcement of the Court Organization Law, shall be deemed to be assigned to the District Court or the Local Court is situated.

A person who is employed as probationary judge in an old District Court or a Local Court at the time of the enforcement of the Court Organization Law shall be deemed to be assigned to the District Court which has territorial jurisdiction over the places where the said courts are located, as an assistant judge.

In cases where special appointments are issued, the provisions of the three previous paragraphs shall not apply.

In cases where the successors of judges are appointed in accordance with the proviso of Article 103 of the Constitution of Japan, the Supreme Court shall decide which of the judges mentioned in the preceding four paragraphs shall be replaced by them.

The Supreme Court must, by the 31st of December of the 22nd year of Showa (1947), designate, in accordance with Article 80, Paragraph 1 of the Constitution of Japan, those persons who are to be appointed as successors under the provisions of the preceding paragraph.

Article 4. (The Consultative Committee for the Appointment of Judges in Accordance with Cabinet Ordinance). The Consultative Committee for the Appointment of Judges mentioned in Article 39, paragraph 4 of the Court Organization Law may be established in accordance with the Government Ordinance prior to the enforcement of the said law in order to prepare for the enforcement of the said law.

The Consultative Committee for the Appointment of Judges of the preceding paragraph may take up its duties prior to the enforcement of the Court Organization Law.

Article 5. (Universities Designated in Article 41 of the Court Organization Law). A university designated in Article 41, paragraph 1, item 6 of the Court Organization Law shall be a university which is provided by the School Education Law in

which there is a graduate course (Daigaku-in) or a university which is provided by the University Ordinance.

Article 6. (Exception to Pensions for Former Judges). In regard to the pensions to be given to those who were judges at the time when the Court Organization Law was enforced but lost their positions according to the proviso of Article 103 of the Constitution of Japan, special provisions may be made by statute apart from the provisions of the Pension Law.

Article 7. (Matters other than above). Excepting what is provided for in the present law, matters of importance concerning the enforcement of the Court Organization Law and of the present law shall be determined by the Government Ordinance.

Supplementary Provision:

This law shall come into force as from the day of enforcement of the Court Organization Law.

ORDINANCE FOR THE ENFORCEMENT OF THE COURT ORGANIZATION LAW

(Cabinet Order No. 24 of the third day of the fifth month
of the twenty-second year of Showa).

Article 1. (Cases of the former Supreme Court (Taishin-in)). The reception of a case effected by the former Supreme Court or other steps of procedure taken at the same Court shall be deemed as those which were either effected by or taken at the Tokyo High Court; the written statement of second appeal or other documents which were forwarded to the former Supreme Court prior to the enforcement of the Court Organization Law, and were not yet received by the same Court at the time of the enforcement of the Court organization Law, shall be deemed as the same which were forwarded to the Tokyo High Court.

In addition to the judicial power prescribed in the Court Organization Law the Tokyo High Court shall have the same judicial power as those of the former Supreme Court in respect to the following cases:

1. Cases to be handled in accordance with the provisions of the preceding paragraph;
2. Second appeal (jokoku appeal) against either judgments rendered prior to the enforcement of the Court Organization Law or judgments rendered after the enforcement of the said Law and based upon the result of trial which was finished prior to the enforcement of the said Law;
3. Complaints against rulings or orders rendered prior to the enforcement of the Court Organization Law.

In case the Tokyo High Court handles the cases mentioned in the preceding paragraph, the number of judges who constitute the collegiate court shall be five, notwithstanding the provisions of Art. 18, par. 2 of the Court Organization Law.

Article 2. (Cases of the Courts of Appeal). The reception of a case effected by a Court of Appeal or other steps in procedure taken at the same court, shall be deemed as those which

were either effected by or taken at the High Court having jurisdiction over the place where the said Court of Appeal is located; a written statement of appeal (koso-appeal) or other documents forwarded, prior to the enforcement of the Court Organization Law, to a Court of Appeal, and not yet received by the same court, at the time of the enforcement of the said Law, shall be deemed as the same which were forwarded to the High Court having jurisdiction over the place where the said Court of Appeal was located.

With respect to the cases to be disposed according to the provisions of the preceding paragraph the High Court shall have the same judicial powers as those of the Court of Appeal, in addition to those prescribed in the Court Organization Law.

Cases which are to be handled in accordance with the provisions of par. 1 in the Osaka or Hiroshima Court and which come under the jurisdiction of the Takamatsu High Court shall be concluded in the Osaka or Hiroshima High Court respectively.

Article 3. (Cases of the former District Courts and the Local Courts). The reception of a case and other formalities which were exercised by a District Court provided by the Law of Constitution of the Courts (referred thereafter as the former District Court) or a Local Court shall be deemed as those of the District Court which has its jurisdiction over the place where the said former District Court or the said Local Court was located (in case the said former District Court or the said Local Court is the Naha District Court, the Saghalien District Court, or the Local Court situated within their jurisdictions, it shall be the District Court designated by the Supreme Court. Hereinafter the same); the written complaint or other documents which were forwarded to a former District Court or a Local Court and not yet received by the respective court prior to the time of enforcement of the Court Organization Law, shall be deemed as those which were forwarded to the District Court which has its jurisdiction over the place where the said former District Court or the said Local Court was located.

With respect to the following cases, the District Court shall have the same power as possessed by the former District Court or Local Court, in addition to the power prescribed in the Court

Organization Law:

1. A case to be disposed of in accordance with the provisions of the preceding paragraph except the case mentioned item 2;
2. A case of appeal against the judgement of the Local Court and that of complaint against a ruling or order of the said court.

The case which is mentioned in item 1 and belonged to the judicial power of the Local Court, in accordance with the former provisions, shall be disposed of by the single judge, notwithstanding the provisions of Art. 26 of the Court Organization Law.

The District Court shall have jurisdiction over an appeal against the judgment or a complaint against the ruling or order, as regard the case mentioned in the preceding paragraph.

Notwithstanding the provisions of Art. 26, par. 1 of the Court Organization Law, the case under the jurisdiction of the District Court mentioned in par. 2, item 2 and in the preceding paragraph shall be disposed of by the collegiate court prescribed in par. 3 of the said Article.

Article 4. (Cases of the Court of Administrative Litigations). A written complaint or other documents of forwarded to the Court of Administrative Litigation, prior to the enforcement of the Court Organization Law, and not yet received by the same court before that time, shall be deemed the same forwarded to the Tokyo High Court.

With respect to the cases to be disposed according to the provisions of the preceding paragraph and of Art. 2, par. 2 of "the Law for the Enforcement of the Court Organization Law", the Tokyo High Court shall have jurisdiction over the matters as to which it has, hitherto, been admitted to institute the action of administrative litigation.

In case the Tokyo High Court disposes of the cases mentioned in the preceding paragraph, the provisions of Art. 1, par. 3 shall, *mutatis mutandis*, apply.

The cost of suit caused as to administrative litigations pending in the Court of Administrative Litigations at the time of the

enforcement of the Court Organization Law, and during the time they have been pending in the said Court, shall be a part of cost, caused by such cases as a whole.

The matters concerning the administrative litigations concluded, prior to the enforcement of the Court Organization Law, by the Court of Administrative Litigation shall be disposed of by the Tokyo High Court, and as to the proceedings of such disposal the former provisions shall continue to apply.

Article 5. (Judgments rendered by the former Supreme Court). In application of the provisions of Art. 10, item 3 of the Court Organization Law, judgments rendered by the former Supreme Court (Taishin-in) shall be deemed as those which has been rendered by the Supreme Court.

Article 6. (The summary decision given in accordance with the Decree for the Summary Decision of Contravention of Police Regulations (Ikeizai sokketsurei). The summary decision given in accordance with the Decree for the Summary Decision of Contravention of Police Regulations at a time prior to the enforcement of the Court Organization Law shall remain in force after the enforcement of the said Law.

The proceedings as to the summary decision mentioned in the preceding paragraph shall be made in accordance with the former provisions. In this case, the demand of formal trial shall be made to the Summary Court and forwarding of document to be effected by the police station shall be made to prosecuting officer of the Local Public Procurator's Office.

Article 7. (Establishment of branch of District Court). The every Local Court which has existed on the date of the enforcement of the Court Organization Law shall be deemed, until when a branch of the District Court exercising the jurisdiction over the same area where the Local Court is located is established in accordance with the provisions of Art. 31, par. 1 of the said Law, to have been established as the said branch of the District Court (except the Local Court located in the place where the former District Court was located).

Article 8. (Holding the former officer). As regards holding office mentioned in the following several items prior to the

enforcement of the Court Organization Law, the provisions of Arts. 41, 42 and 44 of the same law shall apply in accordance with the provisions of the following several items:

1. The years holding office of a judge provided for in the Law of the Constitution of Courts (old Court Organization Law) shall be deemed the years of holding office of a judge, in respect of the application of the provisions of Arts. 41 and 44 of the Court Organization Law and deemed the years of holding office of an assistant judge, in respect of the application of the provisions of Art. 42 of the said law.
2. The provisions of the preceding item shall apply mutatis mutandis to the years of holding office of a judge of the Korean Government, that of the Formosan Government, that of the Kwantung Province or that of the South Sea Government after the acquisition of the Constitution of Courts (old Court Organization Law) or of holding office of the full-time President of the Court of Administrative Litigation or a full-time judge of the same court.
3. The years of holding office of a public procurator provided in the Law of the Constitution of the Courts, or a public procurator of the Korean Government, that of the Formosan Government, that of the Court of the Kwantung Province or that of the South Sea Government shall be equivalent to the years of holding office of a prosecuting officer.
4. Holding office as an Educational Official or an instructor of the Judicial Research Institution, shall be deemed as holding office as an Educational Official of the Judicial Training Institution.
5. Holding office as a full-time teacher of legal science in the Universities which are under the provisions of the University Ordinance shall be deemed as holding office as a professor of law of the university prescribed in Art. 41, par. 1, item 6 of the Court Organization Law:
6. Holding office as a Director of each bureau of the Ministry of Justice, the Chief of the Research Section of the Ministry of Justice, a Research Official of the Ministry

of Justice, a senior secretary of the Ministry of Justice, a secretary of the Judicial Research Institution or the senior secretary of the Ministry of Justice shall be deemed as holding office as a secretary of the Ministry of Justice.

In case of the preceding paragraph, the provisions of par. 3 of Art. 41, par. 3 of Art. 42 and par. 2 of Art. 44 shall not apply to the offices of the full-time president of the Court of Administrative Litigation and a full-time judge of that Court.

Article 9. (Exceptions to the qualification to be appointed to the President of the High Court or Judges). Those who hold the office of the full time Judge of the Court of Administrative Litigation at the time of the enforcement of the Court Organization Law and have held that office for five years or more may be appointed the President of the High Court or judge notwithstanding the provisions of Art. 42 of the same law.

Article 10. (Person who is qualified to be a former Judge). In application of the provisions of Arts. 41 to 44 inclusive of the Court Organization Law, a person who has the qualification to be appointed a judge prescribed in the Law of the Constitution of the Courts shall be deemed as one who has finished the study as a judicial apprentices when he has obtained the said qualification. The same shall apply to one who, having the qualification of an advocate at time of the enforcement of the said law, has been engaged in the practices of advocate for three years after the said law comes into force.

In application of the provisions of Art. 41 to 44 inclusive of the Court Organization Law, a person who finished the study of practice as a probationary advocate for not less than one and a half year and passed examination prior to the enforcement of the Court Organization Law or a person who, being a probationary advocate at the time of the enforcement of the said law, has finished the study of practice for not less than one and a half year and passed examination, shall be deemed as one who has finished the study as judicial apprentice when he has passed the examination notwithstanding the provisions of the preceding paragraph.

Article 11. (Additional provisions to Art. 3 of the Law

for the Enforcement of the Court Organization Law). If the former District Court or the Local Court prescribed in the provisions of Art. 3, par. 3 of the Law for the Enforcement of the Court Organization Law is the Naha District Court, the Saghalien District Court or the Local Court situated within its jurisdiction, the District Court prescribed in the provisions of the said paragraph shall be deemed as the District Court designated by the Supreme Court.

Those who are deemed to have been appointed a judge or an assistant judge of the District Court, according to the provisions of pars. 3 and 4 of Art. 3 of the Law for the Enforcement of the Court Organization Law, and hold the office as a judge of the branch of the former District Court or the Local Court, or serve as a reserved judge in the Local Court at the time of the enforcement of the said Law shall be deemed to have been ordered to serve in the District Court having its jurisdiction over the place where the said branch or the Local Court was located, unless otherwise a writ of appointment is issued.

Article 12. (Emergency Measures Concerning Matters Belonging to the Official Functions of the Judges of the Supreme Court). Until the judges of the new Supreme Court are appointed in accordance with the Constitution of Japan, those who have held the office of president and judges in the old Supreme Court at the time of the enforcement of the Court Organization Law, shall make all emergency dispositions belonging to the official functions of the President and judges of the new Supreme Court, provided for in the Constitution of Japan or other statutes, in lieu of them. They may also receive the cases which are to be received by the new Supreme Court.

No other authority or official, except the persons enumerated in the preceding paragraph, may exercise the official functions mentioned in the said paragraph.

The president of the old Supreme Court shall be provided with the administrative and clerical staff necessary to carry out the functions mentioned in the first preceding paragraph, and they shall be under his jurisdiction and direction.

The disposition according to the provisions of par. 1 shall be deemed as done by the President of the Supreme Court or

by the Supreme Court.

The disposition mentioned in par. 1, may be cancelled by the Supreme Court when the judges of the said Court are appointed in accordance with the Constitution of Japan.

Article 13. (Exception of the Takamatsu High Court). Judges who are deemed to have been appointed to judges of the Takamatsu District Court in pursuance of the provisions of Art. 3 of the Law for the Enforcement of the Court Organization Law, shall act for the judges of the Takamatsu High Court until the judges appointed in pursuance of the provisions of Art. 80 par. 1 of the Constitution of Japan shall be ordered to serve in the Takamatsu High Court.

The court secretaries or the court clerks of the Takamatsu District Court shall act for the court secretaries or the court clerks of the Takamatsu High Court, until, court secretaries are ordered to serve in the Takamatsu High Court or appointed to the court clerks of the same court in pursuance of the provisions of the Court Organization Law.

Article 14. (Exception of the Summary Court). A person who shall be deemed to have been assigned to the District Court in accordance with Art. 3 of the Law for the Enforcement of the Court Organization Law, shall serve as a judge of the Summary Court within the area over which the said District Court has jurisdiction, unless the said District Court has determined otherwise.

The president of the District Court may cause the court clerk of such Court to act for the court clerk of the Summary Court within the district boundaries of such court until the court clerk of the said Summary Court is appointed in accordance with the Court Organization Law.

Article 15. (Acting of duties for presidents of the High Court and of the District Court). A judge who has been the president of the Court of Appeal or of the former District Court at the time of the enforcement of the Court Organization Law and has assumed office of the Judge of the High Court or the District Court having its jurisdiction over the place where the said Court were located in accordance with the provisions of

Art. 3 of the Law for the Enforcement of the Court Organization Law shall act for the president of the High Court or of the District Court until the judge appointed in accordance with the provisions of Art. 80, par. 1, of the Constitution of Japan is ordered to serve as the president of the High Court or of the District Court.

In case, according to the foregoing paragraph, there is none to exercise the duties of the president of the High Court or the District Court, the judge who has assumed the office of the judge of the said Court, and is to act for the president of the Court of Appeal or of the former District Court in pursuance of the Law of the Constitution of the Court, shall act for the president of the High Court or of the District Court.

Article 16. (Status of Former Chief Court Clerk and Court Clerk, etc.). A person who holds the office of the chief court clerk, the court clerk (except the clerk who belongs to the Public Procurator Office, hereinafter the same), the secretary of the Court of Administrative Litigation or the clerk of the said Court at the time of the enforcement of the Court Organization Law shall be deemed to have been appointed to a court secretary with the same grade of salary and if he holds office of a Sonin rank he shall be deemed to have been graded to the second rank, but if he holds office of a Hannin rank, to have been graded to the third rank, as the case may be, unless otherwise a writ of appointment is issued. In the event of this case, if the person above-mentioned is one who has been suspended from his office he shall be deemed to have been appointed to a court secretary with the same grade of salary which he received as a suspended officials, and shall be deemed to have been graded to the corresponding rank.

In the case of the foregoing paragraph, one who holds the office of the chief court clerk of the former Supreme Court or of the secretary of the Court of Administrative Litigation at the time of the enforcement of the Court Organization Law shall be deemed to have been ordered to serve in the Tokyo High Court and one who holds the office of the chief clerk of a Court of Appeal or of a former District Court at the time of the enforcement of the said law, in the High Court or the District Court

having its jurisdiction over the place where the Court of Appeal or the former District Court was located, as the case may be, (in case the Court concerned is the Naha District Court or the Saghalien District Court the District Court designated by the Supreme Court, hereinafter the same) unless otherwise a writ of appointment is issued.

In the case of par. 1, one who holds the office of the court clerk of the former Supreme Court or of the clerk of the Court of Administrative Litigation at the time of the enforcement of the Court Organization Law shall be deemed to have been appointed to the court clerk of the Tokyo High Court, the court clerk who is in the office of Court of Appeal or of a former District Court at the time of the enforcement of the said law, to the court clerk of the High Court or of the District Court having jurisdiction over the place where the Court of Appeal or the former District Court was located, and the court clerk who is in the office of a Local Court at the time of the enforcement of the said law to the court clerk of the branch of the District Court established at the place where the said Local Court was located (if the Local Court concerned had been established at the place where the District Court was located, the said District Court, and if the Local Court concerned was established within the jurisdiction of the Naha District Court or the Saghalien District Court or the Saghalien District Court, the District Court designated by the Supreme Court), as the case may be, unless, otherwise, a writ of appointment is issued.

Article 17. (Status of the bailiff). Those who are bailiffs (shittatsuri) at the time of the enforcement of the Court Organization Law, shall be deemed to have been appointed to the bailiffs (shikkori) of the District Court having its jurisdiction over the place where the Local Court to which they belonged were located.

Article 18. (Status of Probationary judicial officer). A person who has been the probationary judicial officer at the time of the enforcement of the Court Organization Law shall be deemed to have been ordered to be the judicial apprentice, and if he has passed examination after having studied for at least one and a half year, he shall, notwithstanding the provisions of Art. 67,

par. 1 of the said law, be deemed to have finished the study as judicial apprentice.

The study made as the probationary judicial officer prior to the enforcement of the Court Organization Law shall be deemed the same of judicial apprentice in accordance with the rule provided by the Supreme Court.

The matters relating to the study and examination mentioned in par. 1 of this article shall be determined by the Supreme Court.

Article 19. (Modified application of Laws, orders or ordinances). The provisions of laws, orders or ordinance shall, except as otherwise provided by other laws and cabinet orders, apply with the following modifications:

1. The Ordinary Court shall read the Court.
2. The Supreme Court (Taishin-in) shall read the Supreme Court (Saiko Saibansho).
3. The Court of Appeal shall read the High Court.
4. The Local Court shall read the District Court.
5. The Judge (hanji) shall read the Judge (Saibankan).
6. The Commissioned Judge (hanji) shall read the Commissioned Judge (saibankan).
7. The Requisitioned Judge (hanji) shall read the Requisitioned Judge (saibankan).
8. The Registration Judge shall read the Registration Officer.
9. The Bailiff (shittatsuri) shall read the Bailiff (shikkori).
10. The power which is exercised by the President of District Court shall be exercised by the District Court.

Supplementary Provisions:

This present Cabinet Order shall come into force as from the day of its promulgation.

LAW CONCERNING THE EXCEPTIONS TO THE AUTHORITY OF ASSISTANT JUDGE, ETC.

(Law No. 146 of the 12th day of the 7th month of
the 23rd year of Showa)

Article 1. Among Assistant Judges who hold one or more of the positions mentioned in each item in Art. 42, par. 1 of the Court Organization Law (Law No. 59 of 1947) for the total period of five years or more, those designated by the Supreme Court, for the time being, shall be free from the limitation of the authority for an Assistant Judge and shall, in respect of the application of the provisions of Art. 29, Par. 3 and Art. 36 of the said law, exercise the judicial power of a full judge of the District Court to which they belong.

2. The provisions of Art. 43, pars. 2 to 4 inclusive of the Court Organization Law shall apply with the necessary modifications to the computation of the period of service mentioned in the preceding paragraph.

Article 2. In case those who have the qualification to be appointed a judge or a public procurator prescribed in the Law of the Constitution of Courts (Law No. 6 of 1890) held office as a judge of Manchukuo or a judge of the Federal Autonomous Government of Mongolia (or the Autonomous State Government of Mongolia, hereinafter the same), the years of holding their office shall be deemed the years of holding office of a judge, in respect of the application of the provisions of Arts. 41 and 44 of the Court Organization Law and deemed the years of holding office of an assistant judge, in respect of the application of the provisions of Art. 42 of the said law.

2. In case those who have the qualification to be appointed a judge or a public procurator prescribed in the Law of the Constitution of Courts held office as a consular officer or a prosecuting officer of Manchukuo or of the Federal Autonomous Government of Mongolia, the years of holding their office shall

be deemed the years of holding office of a prosecuting officer, in respect of the application of the provisions of Arts. 41, 42 and 44 of the Court Organization Law.

3. In case those who have the qualification to be appointed a judge or a public procurator prescribed in the law of the Constitution of Courts held office as a qualified specialist of the Standing Committee for Judicial Affairs of the House of Representatives or the House of Councillors, a secretary (sanji) or an assistant secretary (fuku-sanji) who served at the Legal Department of the House of Representatives or the House of Councillors, a sanji-kan (secretary) of the Legislative Bureau or a jimu-kan (secretary) of the Legislative Bureau, a secretary of the Cabinet who served at the Legislative Bureau, a Military Civilian Administrator, a Naval Civilian Administrator, a Complaints Judge (Kokoku-shinpan-kan) or a Judge (Shinpan-kan) of either the Patents Bureau or the Patents and Standards Bureau whose official rank is Secretary (Jimu-kan) of either the Patents Bureau, the Patents and Standards Bureau or the Ministry of Commerce and Industry, a Complaints Judge (Kokoku-shinpan-kan) or a Judge (Shinpan-kan) of the Technical Affairs Board (Gijutsu-in) whose official rank is Technical Councillor (Sangi-kan) of the Technical Affairs Board, a shoki-kan (Secretary) or jimu-kan (Secretary) of the Korean Government-General who served at the Legal Affairs Bureau thereof, a shoki-kan (Secretary) or jimu-kan (Secretary) of the Formosan Government-General who served at the Legal Affairs Department thereof, a sanji-kan (Secretary), riji-kan (Secretary) or jimu-kan (secretary) of the Department of Justice of Manchukuo, a secretary (sanji-kan) of the Department of Justice of the Federal Autonomous Government of Mongolia, the years of holding their office shall be deemed the years of holding office of a secretary of the Legal Affairs Office, in respect of the application of the provisions of Arts. 41, 42 and 44 of the Court Organization Law.

4. In case those who have the qualification to be appointed a judge or a public procurator prescribed in the Law of the Constitution of Courts held office as an educational official of the Training School for the Personnel of the Department of Justice of Manchukuo, the years of holding their office shall be

deemed the years of holding office of an educational official of the Legal Affairs Office, in respect of the application of the provisions of Arts. 41, 42 and 44 of the Court Organization Law.

Article 3. When those who, having the qualification of lawyers, have been engaged in the practice of a lawyer in accordance with the Ordinances of the Korean Lawyers (Seirei No. 4, 1936), of the Formosan Lawyers (Ritsurei No. 7, 1935) or of the Kwantung Lawyers (Imperial Ordinance No. 16, 1936) (hereafter to be called an oversea lawyer), the period of practice thereof shall, in respect of the application of the provisions of Arts. 41 to 44 inclusive of the Court Organization Law, be deemed as that of the lawyer; and those whose periods of practice as oversea lawyers are not less than three years or who have practised as oversea lawyers and lawyers for the total period of three years or more, or those who have completed the study of practices as probationary lawyers in accordance with the Ordinance of the Korean Lawyers for not less than one year and a half and passed the examination shall respectively, in the former when their periods of practice have reached three years and in the latter when they passed the examination, be deemed to have completed the study of the judicial apprentice.

Supplementary Provisions:

Article 4. The present Law shall come into force as from the day of its promulgation.

Article 5. In respect of the computation of the years mentioned in the provisions of Art. 1, those who have the qualification to be appointed a judge or public procurator prescribed in the Law of the Constitution of Courts, when they have obtained the said qualification, those who, having the qualification of a lawyer at the time of the enforcement of the Court Organization Law, have obtained three years of engaging in the practice of lawyer after the said law came into force, when they have completed three years of practice, those who finished the study of practice as a probationary lawyer for not less than one year and a half and passed the examination prior

to the enforcement of the Court Organization Law or those who, being a probationary lawyer at the time of the enforcement of the said law, have finished the study of practice for not less than one year and a half and passed the examination, when they have passed the examination, shall respectively be deemed as those who have finished the study as judicial apprentice; the years of holding office of a judge or a public procurator provided for in the Law of the Constitution of Courts and the years of holding office of a judge or a public procurator of the Korean Government-General, that of the Formosan Government-General, that of the Kwantung Province or a consular officer, after the acquisition of the qualification of a judge or a public procurator provided for in the Law of the Constitution of Courts shall be deemed the years of holding office of an assistant judge; the years of holding office of a Military Civilian Administrator, a Naval Civilian Administrator, a Complaints Judge (Kokoku-shinpan-kan) or a Judge (Shinpan-kan) of either the Patents Bureau or the Patents and Standards Bureau whose official rank is Secretary (Jimu-kan) of either the Patent Bureau, the Patents and Standards Bureau or the Ministry of Commerce and Industry, a Complaints Judge (Kokoku-shinpan-kan) or a Judge (Shinpan-kan) of the Technical Affairs Board (Gijutsu-in) whose official rank is Technical Councillor (Sangi-kan) of the Technical Affairs Board, a shoki-kan (secretary) or jimu-kan (secretary) of the Korean Government-General who served at the Legal Affairs Bureau thereof, a shoki-kan (secretary) or jimu-kan (secretary) of the Formosan Government-General who served at the Legal Affairs Department thereof shall be deemed the years of holding office of a secretary of the Legal Affairs Office.

2. The provisions of Art. 3 shall apply with the necessary modifications to the computation of the years mentioned in the provisions of Art. 1.

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